

PROB 12C  
(7/93)

**United States District Court  
for**

**District of New Jersey**

**Petition for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Juan Ochoa Hernandez

**Docket Number:** 10-00446-001  
**FACTS Number:** 57290

**Name of Sentencing Judicial Officer:** Terrence W. Boyle, USDJ - Eastern District of North Carolina

**Name of Assigned Judicial Officer:** Susan D. Wigenton, USDJ - District of New Jersey

**Date of Original Sentence:** 01/08/08

**Date of Transfer of Jurisdiction:** 10/04/10

**Original Offense:** Illegal Alien in Possession of a Firearm

**Original Sentence:** 12 months imprisonment; 3 years supervised release; \$100 special assessment.

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 01/08/08

**Assistant U.S. Attorney:** Randall H. Cook, 970 Broad Street, Room 502, Newark, New Jersey 07102,  
(973) 645-2700

**Defense Attorney:** William J. Hunt, Esq., 155 Polifly Road, Suite 200, Hackensack, New Jersey 07601,  
(201) 457-9200

---

**PETITIONING THE COURT**

☒ **To issue a warrant**

☐ **To issue a summons**

**The probation officer believes that the offender has violated the following condition(s) of supervision:**

**Violation Number**    **Nature of Noncompliance**

**1**

**The offender has violated the standard supervision condition which states 'You shall not commit another federal, state, or local crime.'**

**The following is a summary of the information that appears in a final presentence report dated March 7, 2011.**

**Ochoa Hernandez, a national of Honduras, illegally entered the United States on April 25, 1998. On October 1, 1998, he was ordered deported in absentia.**

PROB 12C - Page 2  
Juan Ochoa Hernandez

**On August 24, 1999, Ochoa Hernandez was convicted of Attempt to Purposely Cause Injury to Another at the Municipal Court, Jersey City, and was sentenced to a one-year probation term.**

**On January 27, 2003, he was convicted of Driving Under the Influence and Driving While Suspended at the Municipal Court of Cheyenne, Wyoming and was sentenced to seven days custody on the first count, and five days custody on the second count. When that sentence was fulfilled, he was turned over to immigration officials on the basis of the outstanding order of deportation dated October 1, 1998.**

**On April 21, 2003, Ochoa Hernandez was deported to Honduras. He was issued a Warning to Alien Ordered Removed or Deported (Form I-294) that stated that he was prohibited from entering, attempting to enter or being in the United States for a period of ten years. Despite the warning, Ochoa Hernandez illegally returned to the United States in July 2004.**

**On July 10, 2006, Ochoa Hernandez was arrested for kidnaping and rape in Clayton, North Carolina. While in custody on these charges, he was served with a Notice of Intent/Decision to Reinstate Prior Order (Form I-871). Although the state ultimately dismissed those charges, he was convicted of being an Illegal Alien in Possession of a Firearm in the United States District Court, Eastern District of North Carolina. On January 8, 2008, he was sentenced to twelve months imprisonment and three years supervised release. On March 31, 2008, Ochoa Hernandez was deported to Honduras.**

**Sometime during May 2008, Ochoa Hernandez illegally returned to the United States. On October 20, 2008, he was arrested in Raleigh, North Carolina, for Assault on a Female and Larceny. While in custody on those charges, he was encountered by ICE agents. On January 5, 2009, he was deported to Honduras. At that time, he was issued a Warning to Alien Ordered Removed or Deported (Form I-294) that stated that he was prohibited from entering, attempting to enter or being in the United States at any time.**

**On January 3, 2010, Ochoa Hernandez was arrested in Jersey City, New Jersey, for Receiving Stolen Property. He was subsequently encountered by immigration officials and turned over to the custody of ICE agents on February 1, 2010. He admitted illegally returning to the United States in May 2009.**

**On July 7, 2010, Ochoa Hernandez pled guilty before Your Honor to a single-count information charging him with illegal re-entry after deportation, in violation of 8 U.S.C. § 1326(a).**

PROB 12C - Page 3  
Juan Ochoa Hernandez

2

The offender has violated the standard supervision condition which states 'You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.'

On January 8, 2008, at the United States District Court, Eastern District of North Carolina, Ochoa Hernandez was sentenced to time served, (twelve months imprisonment) and three years supervised release. He was required, as indicated above, to report the arrest on October 20, 2008, for Assault on a Female out of Raleigh, North Carolina. He was also required to report the arrest on January 3, 2010, for Receiving Stolen Property out of Jersey City, New Jersey. Ochoa Hernandez failed to report both arrests.

I declare under penalty of perjury that the foregoing is true and correct.



By: Denise Morales  
U.S. Probation Officer KJM F&R TSL  
Date: 3/25/11

**THE COURT ORDERS:**

- ☐ The Issuance of a Warrant  
☐ The Issuance of a Summons. Date of Hearing: \_\_\_\_\_  
☐ No Action  
☐ Other



\_\_\_\_\_  
Signature of Judicial Officer

3-25-2011

\_\_\_\_\_  
Date